

Appl. No. 10/743,514
Amdt. Dated November 6, 2006
Reply to Office Action of July 5, 2006

Docket No. CE12020JUI

Drawings Status

Applicant is including 3 replacement sheets along with this response.

Claim Status

Claims 1, 22, and 42 have been amended. Claims 1-35 and 37-50 remain in the application. Upon inspection of the application, it appears no claim 36 was listed in the original application. For convenience, Applicant has herein cancelled claim 36 for formality reasons. In the alternative, Applicant is willing to renumber claims 37-50 as 36-49 by amendment.

REMARKS/ARGUMENTS

Claims 1-35, 37-50 have been rejected under 35 USC 102(e) over Horstemeyer (US Pub. No. 2004/0243664).

Horstemeyer provides a status notification system which includes an MCTU 15 located on or attached to some mobile thing. The MCTU operates to gather location information as to the present location of the MCTU, and therefore, implicitly, the mobile thing to which it is attached. The MCTU is described as having a wide variety for location determination modalities, the simplest being receiving GPS satellite signals. However, the MCTU can also receive externally-determined location information, such as from the FAA. The MCTU contains what is essentially an itinerary – a series of locations data points and associated expected times for the MCTU to be at each of the locations. As different locations are reached, or specific times elapse, the MCTU compares the actual location and time with the expected location and time. If the result indicates that the MCTU is off schedule, it sends a status message to the BSCU 40 over some convention messaging means. The BSCU has further rules for evaluating the status of the MCTU, and if the MCTU is too far off schedule, the BSCU can send a status message to a PCD 75. Thus, notification of the party using the PCD is a two step process with two sets of evaluations being performed in two different locations.

In rejecting claims 1, 22, and 42, the Rejection compares Applicant's claimed mobile communication device to Horstemeyer's MCTU 15. The Rejection refers to the transceiver 44

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of the MCTU as analogous to transceiver of Applicant's mobile communication device. The Rejection compares the memory 30a of the MTCU to the claimed memory of Applicant's mobile communication device. The Rejection compares the input device 34a to the user interface as claimed by Applicant. The Rejection further compares the MTCU 15 itself to the controller of Applicant's claimed mobile communication device. Thus, it is clear that in making the rejection of claims 1, 22, and 42, the Rejection contends that Horstermeyer's MTCU shows every element of Applicant's claimed apparatus and performs every element of Applicant's claimed method.

Applicant respectfully contends, however, that the MTCU does not perform the same and is not comprised the same as Applicant's claimed mobile communication device. Since Horstermeyer's MTCU reports status to the BSCU, which in turn reports status to the PCD, Horstermeyer's notification system includes additional steps and equipment to notify the intended party. Applicant's mobile communication device determines the occurrence of the event, and then transmits the status message directly to the intended party. Applicant has amended claims 1, 22, and 42 to include the word "directly," as supported by the specification at page 6, lines 5-6.

Although Horstermeyer's MTCU does transmit a status message to the BSCU, the BSCU is not a "party" as claimed by Applicant. The BSCU is an intermediary processor which receives the status messages from the MTCU and further defines an event that subsequently triggers a notification message to be sent to the party (PCD 75). The word "party," given its ordinary meaning as used in the instant specification and claims, refers to a person or persons. This meaning is supported by standard dictionary definitions of the word "party" and would be interpreted by one of ordinary skill in the art to include a person using equipment appropriate for perceiving the status message, such as a PCD. The sections of Horstermeyer to which the Rejection refers, however, paragraphs 101, 102, and 111, describe the MTCU transmitting to the BSCU, which is not the "party" for which the ultimate status message is intended. Accordingly, Applicant believes claims 1, 22, and 42 are distinguished over Horstermeyer since Horstermeyer requires the intermediate system of the BSCU between the MTCU and the party receiving the ultimate status message regarding the status of the MTCU.

With regard to claims 4, 27, and 46, the Rejection contends Horstermeyer shows Applicant's claimed prompting of the user, and receiving an input from the user before sending the status message at paragraphs 199-201. What Horstermeyer describes in these paragraphs, in

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a section titled "User Activation" (0194), is how user (party) contact information can be programmed into the notification system to configure communication devices 72 to contact the party, and then prompt the party as to the message. Specifically paragraph 201 refers to the PCD 75 as the device by which the party enters information (touch tone signals) to configure the message manager.

Applicant respectfully contends this is an incorrect comparison the Applicant's claimed invention. First and foremost, it was established in the rejection of claims 1, 22, and 42 that the MTCU is being compared to Applicant's claimed mobile communication device. Horstermeycr's 199-201 refer to the PCD 75, which is the equipment used by the party being notified, not the mobile communication device which is transmitting the status message. The prompting would have to be performed at the MTCU to be equivalent to Applicant's mobile communication device.

Similarly, with regard to claims 5 and 28, which claim that the prompting is performed by a visual indicator of the mobile communication device, the Rejection again points to the PCD 75 in paragraph 353. This is incorrect as the PCD is not the device transmitting the notification message as claimed in claims 1 and 22, from which claims 5 and 28 respectively ultimately depend.

With regard to claims 6, 29, and 41, which claim illuminating a status button as the means to prompt the user of the mobile communication device, the Rejection again points to the PCD 75 in paragraph 264, which is not the device transmitting the notification message as claimed in claims 1, 22, and 42.

Claims 7-14, 30-35, 37, 45, and 48 all refer to the mobile communication device prompting the user of the mobile communication device, various ways of prompting the user, and authenticating the user via various means. The rejection of all of these claims refers to paragraphs 137, 263, 264, 320, 355 and 387 of Horstermeycr. Upon inspection of the cited paragraphs, Applicant finds all of them to be referring to the PCD 75, not the MTCU. Therefore Horstermeycr does not show in these claims Applicant's claimed mobile communication device.

Accordingly, Applicant believes the claims discussed thus far are all distinguished over Horstermeycr. Furthermore, the remaining claims, being ultimately dependent on one of claims 1, 22, or 42, are likewise regarded as being allowable.

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No amendment made was for the purpose of narrowing the scope of any claim. The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

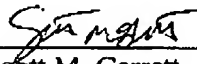
The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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